

Dolin, Thomas & Solomon LLP
THE EMPLOYMENT ATTORNEYS

February 3, 2006

Honorable Michael A. Telesca
United States District Court Judge
United States District Court
Western District of New York
100 State Street
Rochester, New York 14614

Re: Thomas Bernhardt, et al. v. Lowe's Companies, Inc., et al.
Civil Action No.: 03-CV-6372T(F)

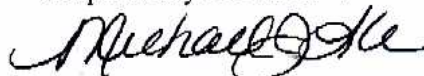
Dear Judge Telesca:

As the Court is aware, defendants in the above-referenced action submitted a motion for summary judgment. Following the Local Rule, plaintiffs had calculated their response papers to be due on January 30, 2006 and defendants had informally agreed to a one-week extension through February 6, 2006, by plaintiffs' calculation. It appears that defendants believed that a different briefing schedule applied from a scheduling order which had subsequently been amended.

Therefore, to clarify the date by which plaintiffs' response papers are due, plaintiffs respectfully request through **February 13, 2006** to submit their papers. Such additional time will allow plaintiffs enough time to fully brief the issues. If this meets with your Honor's approval, a "So Ordered" line is provided at the bottom of this letter for the Court's convenience.

Thank you for your courtesies in this matter.

Respectfully submitted,



Michael J. Lingle

cc: Gregory W. Knopp (via facsimile)

SO ORDERED:

S/MICHAEL A. TELESKA

Honorable Michael A. Telesca
United States District Court Judge